



PLANNING PROPOSAL

FOR

**No's 1 & 1A White Cross Road &
No. 412-414 Hawkesbury Road
Winmalee**

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to rezone a parcel of land from Living – General to Village – Housing with the aim of permitting a *medical centre* with consent.

The subject land includes the following lots:

- Part of Lot 3 DP 570463, No. 1A White Cross Road Winmalee
- Lot 3 DP 632789, No. 1 White Cross Road Winmalee
- Lot 4 DP 632789, No. 412-414 Hawkesbury Road Winmalee.



Locality Plan



Aerial Photo

PART 2 EXPLANATION OF PROVISIONS

Amendment of the following map panels of the Blue Mountains Local Environmental Plan 2005:

- Map Panel A : Zones, Precincts and Provisions
- Map Panel B: Protected Areas
- Map Panel C: Heritage Conservation and Special Use

in the form as shown in Attachment 1.

Map Panel B and Map Panel C are not altered by this proposal.

Amend the Blue Mountains Local Environmental Plan 2005 by the inclusion of Precinct Provisions in Part 10 - Winmalee Village of Schedule 1, as shown in Attachment 2.

PART 3 JUSTIFICATION:

Section A - A Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal results from an application to rezone the subject land to facilitate the establishment of a *medical centre*. In accordance with recommendations of Mayoral Minute 1 of the 3 March 2009, Blue Mountains City Councillors are aware that the current general practitioners operating in the Winmalee area have outgrown current premises and additional space for health care facilities are required to service the Winmalee and surrounding communities.

This rezoning to facilitate the establishment of a *medical centre* in Winmalee has been supported by a resolution of the Council on

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land the subject of this rezoning proposal comprises 3 allotments.

- Lot 3 DP 570463, No 1A White Cross Road has an area of 6,172m² and of this 22.47% (1387m²) is zoned Living – General with Accessible Housing provisions. The residue of the allotment, 4785m² (77.52m²) is zoned Environment Protection – Private. The land zoned Environment Protection – Private is not included in this amendment proposal.

This allotment contains a two storey dwelling which has been adapted and is currently used for a health care practice. There is a swimming pool and the front garden is paved and used for car parking. The developed area is relatively level with a slight fall towards the east (rear). The allotment has a 21.96m frontage to White Cross Road.

- Lot 3 DP 632789, No. 1 White Cross Road has an area of 911.6m² and is zoned Living – General. The level allotment is undeveloped and used for occasional overflow car parking. The allotment has a frontage of 19.07m to White Cross Road.
- Lot 4 DP 632789, No. 412 - 414 Hawkesbury Road, has an area of 1384m² and is zoned Living – General. There is an existing dwelling and separate garage. The level corner allotment has a 30m frontage to Hawkesbury Road and a 32m frontage to White Cross Road. There is a wide road verge in this section of Hawkesbury Road varying between 14m and 26m.

The subject parcel of land has a total area of 3682m².

Adjoining and adjacent land to the east, fronting Hawkesbury Road, is zoned Living - General under LEP 2005 and each allotment is developed with detached dwellings. Adjoining and adjacent land to the south, fronting Hawkesbury Road is zoned Living – Bushland Conservation under LEP 2005 and each allotment is developed with detached dwellings.

Adjoining land to the north, No. 3 – 5 White Cross Road, is zoned Living – General under LEP 2005 and is developed with an seniors living multi-housing development. The twelve (12) allotments of land further to the north and bounded by White Cross Road and Leslie Street is zoned Living – General under LEP 2005 and is the Winmalee Public School.

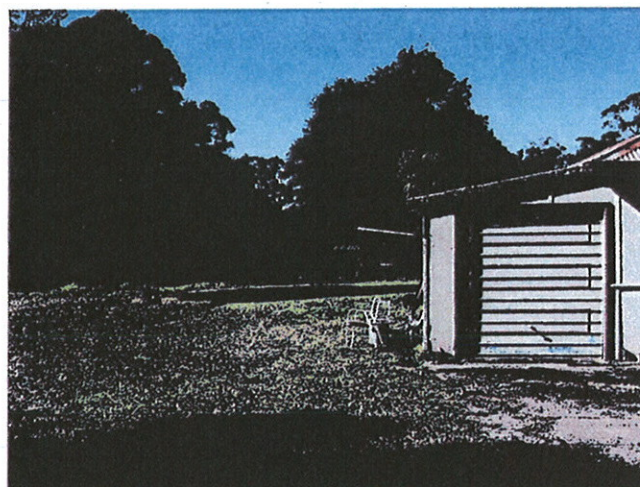
The land to the west of the subject land and bounded by White Cross Road and Shelton Avenue, is zoned Village - Town Centre and is developed with a retail shopping centre which includes a Coles supermarket and a tavern, community facilities operate from converted dwellings.



View north along White Cross Road from the No. 1 White Cross Road



View looking north-east showing east (rear) of No.1 and No. 1A White Cross Road



Existing Garage No. 412-414 Hawkesbury Road and rear of No. 1 White Cross Road.



View south from No. 1 White Cross Road, towards intersection with Hawkesbury Road (traffic lights)



Winmalee Shopping Centre

The subject allotments of land are currently zoned Living – General, the table below lists development permissible with consent within this zone and development permissible with consent within the proposed zone, Village – Housing.

Living – General Zone	Village – Housing Zone
▪ Accessible housing	▪ Accessible housing
▪ Advertising structures	▪ Advertising structures
▪ Bed and breakfast establishments	▪ Bed and breakfast establishments
▪ Boarding house	▪ Boarding house
▪ Bush fire hazard reduction	▪ Bush fire hazard reduction
▪ Child care centres	▪ Child care centres
▪ Community buildings	▪ Community buildings
	▪ Community centres
▪ Development ancillary to a dwelling house	▪ Development ancillary to a dwelling house

▪ Display gardens	▪ Display gardens
▪ Domestic swimming pool	▪ Domestic swimming pool
▪ Dual occupancies	▪ Dual occupancies
▪ Dwelling houses	▪ Dwelling houses
▪ Educational establishments	▪ Educational establishments
▪ Exhibition homes	▪ Exhibition homes
▪ General stores	▪ General stores
▪ Granny flats	▪ Granny flats
▪ Health care practices	▪ Health care practices
▪ Holiday lets	▪ Holiday lets
	▪ Home employment
▪ Hospitals	▪ Hospitals
▪ Integrated housing	▪ Integrated housing
	▪ Medical centres
	▪ Multi-dwelling housing
▪ Parking	▪ Parking
	▪ Places of assembly
▪ Places of worship	▪ Places of worship
▪ Public buildings	▪ Public buildings
	▪ Refreshment rooms
▪ Remediation of contaminated land	▪ Remediation of contaminated land
▪ Roads	▪ Roads
▪ Special uses	▪ Special uses
▪ Telecommunications facilities	▪ Telecommunications facilities
▪ Visitor facilities	▪ Visitor facilities

The table below lists development permissible without consent in the current zone, Living – General and development permissible without consent in the proposed zone, Village – Housing.

Living – General Zone	Village – Housing Zone
▪ Bush regeneration	▪ Bush regeneration
▪ Home businesses	▪ Home businesses
▪ Home occupations	▪ Home occupations

▪ Land management works	▪ Land management works
▪ Permaculture	▪ Permaculture
▪ Public utility undertakings	▪ Public utility undertakings
▪ Utility installations	▪ Utility installations

There are currently 2 health care practices in Winmalee, both operating from converted dwellings, one at No 382 Hawkesbury Road Winmalee and the other at 1A White Cross Road Winmalee. These health care practices service the Winmalee, Yellow Rock and Hawkesbury Heights localities. The health care practices have outgrown the premises and there is no opportunity for expansion at the current premises.

The localities of Winmalee, Yellow Rock and Hawkesbury Heights have a population of 8,000 people. Currently this area is serviced by 3.3 full time equivalent general practitioners equating to 1 doctor to 2,100 people.

There are medical practices in Springwood and a super clinic contract was recently awarded to a consortium which will be operating in Springwood. Springwood is the adjoining suburb to the south of Winmalee. There is limited public transport between Winmalee and Springwood.

The current doctors wish to remain in the Winmalee area to serve their current patients. Blue Mountains City Council is aware of the issue of the continuation of adequate provision of medical services in Winmalee and has endorsed and is supporting the continuation and expansion of the medical services.

There is no land suitably zoned and available to allow *medical centres* in the Winmalee area.

The existing health care practices operate from converted dwellings on land zoned Living – General under Blue Mountains Local Environmental Plan 2005 (LEP 2005). Under the provisions of LEP 2005, health care practices are permissible with consent. A health care practice has the following definition.

Health care practice means a room or a number of rooms forming part of, attached to, or within the curtilage of a dwelling house and used by not more than one health care professional at any one time for rendering professional treatments or health care services to members of the public, together with administrative support. For the purposes of this definition, a **health care professional** includes;

- (a) a doctor, and
- (b) a dentist, and
- (c) a podiatrist registered under the Podiatrists Act 1989 or the Podiatrists Act 2003, and
- (d) a chiropractor or osteopath or chiropractor and osteopath registered under the Chiropractors Act 2001 or the Osteopaths Act 2001, and
- (e) a physiotherapist registered under the Physiotherapists Act 2001, and
- (f) an optometrist registered under the Optometrists Act 2001, and
- (g) a complementary medicine practitioner who is a member of a professional organisation listed in Schedule 1 of the Therapeutic Goods Regulations 1990 of the Commonwealth.

Any expansion of the activity would not be permissible within the Living – General zone. An appropriate definition for a larger medical facility incorporating more than one health care professional, would be a *medical centre* which has the following definition:

Medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling to out-patients only).

The majority of the developable land within Winmalee is zoned Living – General, Living – Bushland Conservation or Residential Bushland Conservation. A *medical centre* is prohibited within each of these zones.

A *medical centre* is permissible with consent in the following zones:

- Village – Town Centre
- Village – Neighbourhood Centre
- Village – Housing
- Employment – General
- Employment - Enterprise

Seven (7) allotments of land at the corner of White Cross Road and Shelton Avenue are zoned Village – Town Centre. A *medical centre* is permissible with consent on land zoned Village – Town Centre. The whole of this land is developed with retail and community facilities.

Land uses permissible with consent and land zones Village - Housing, in addition to those permissible under the current Living – General zone are:

- Community centres
- Home employment
- Medical centres
- Multi-dwelling housing
- Places of assembly
- Refreshment centres

In the event that the rezoning proceeds and the *medical centre* does not proceed, the subject land is also considered suitable for any of the above permissible land uses.

Locality management provisions under Schedule 1 will be required to be added. The format of the Blue Mountains LEP 2005 results in locality rather than broad zone provisions. Locality management provisions prescribe desired development outcomes. The proposed additional Locality Management Provisions under Schedule 1 are appended as Attachment 2.

With respect to the Standard Instrument LEP, equivalent zones are:

Living – General equates to R2 Low Density Residential. Mandated permissible land uses within the R2 zone are:

- Roads
- Dwelling houses
- Group homes
- Permanent group homes
- Transitional group homes
- Home occupations

Village – Housing equates to R3 Medium Density Residential. Mandated permissible land uses within the R3 zone are:

- Roads
- Neighbourhood shops
- Child care centres
- Community facilities
- Places of public worship
- Attached dwellings
- Multi-dwelling houses
- Seniors housing
- Residential care facilities
- Boarding houses
- Group homes

- Permanent group homes
- Transitional group homes

The proposed rezoning is not inconsistent with mandated land use developments under the Standard Instrument.

3. Is there a net community benefit?

The following table has been prepared to assess net community benefit of the proposal

Factor	Current	Proposed
Land values	Current land values reflect the current zone, Living – General and permissible land uses applying to this zone.	The land value is likely to rise reflecting the higher value of the proposed Village – Housing zone and increase in possible land uses. The increased land values are unlikely to have any significant wider effect as adjoining land properties are developed. The property to the north contains six, seniors living strata units which were approved in 2000, the land to the west is developed as a retail centre servicing Winmalee. The properties to the east and the south are developed with detached dwellings.
Land uses	Part of Lot 3 DP 570465, No. 1A White Cross Road contains a dwelling which has been modified as is used as a health care practice. Lot 3 DP 632789, No.1 White Cross Road is vacant land. Lot 4 DP 632789, No.s 412-414 Hawkesbury Road contains a detached dwelling and separate garage. The land is accessible housing area and could be developed as such. The subject lands location on Hawkesbury Road and White Cross Road result in noise and other impacts from traffic.	The expressed intention is that the land will be developed as a <i>medical centre</i>. A <i>medical centre</i> and associated infrastructure developed on the subject land is considered an appropriate development given the site characteristics and impacts upon the site, in particular adverse impacts from traffic on Hawkesbury Road. Land uses permissible in Village – Housing, and in addition to those currently permissible on land, are considered appropriate on this land. Additional land uses are: ▪ Community centre ▪ Home employment ▪ Medical centres ▪ Multi-dwelling housing ▪ Places of assembly ▪ Refreshment rooms
Community welfare	The current medical services in Winmalee equate to 1 doctor for 2100 people. The Federal Government's benchmark is 1 GP for 1100 patients. There is a need for additional medical services in the Winmalee, Yellow Rock and Hawkesbury Height areas. A Mayoral Minute supports the	A <i>medical centre</i> development on the subject land will result in additional general practitioners and supporting staff, resulting in improved medical services in Winmalee.

	retention and extension of medical facilities in Winmalee.	
Employment	There are currently 3.3 full time equivalent general practitioners working in Winmalee as well as support staff.	The expressed intention of this proposal is to rezone land to permit a <i>medical centre</i> which will result in additional general practitioners and medical and clerical support staff. There will be an increase in the number of employment positions in Winmalee as a result of this proposal.
Travel	Winmalee, Yellow Rock and Hawkesbury Heights residents currently obtain medical services from one of the doctors working in Winmalee or travel to Springwood, which is approximately 6kms away. A private bus company provides a bus service between Winmalee and Springwood. This service runs at approximately 1 hourly intervals between 5.30 am and 8.30pm.	The development of a <i>medical centre</i> at this location will result in less travel to visit a general practitioner for residents in the Winmalee, Yellow Rock and Hawkesbury Heights suburbs. A pharmacy is located within the existing adjacent Winmalee shopping centre.

Section B - Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposed rezoning is consistent with the objectives and actions of the Sydney North West Regional Strategy.

The potential land uses permissible within the proposed zone are consistent with the 2031 vision statement and are not inconsistent with the key directions. The adjoining suburb of Springwood is identified as a Town Centre where services and facilities are focussed. Winmalee, a suburb of 8,000 people is not mentioned in the North West Strategy. The current medical services in Winmalee are inadequate by the Federal Government benchmark. The proposed rezoning will permit the subject land to be developed for a *medical centre* which will improve general practice services in the Winmalee locality.

Any of the possible land uses under the proposed Village – Housing zone are not inconsistent with the regional strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal to rezone the land for the purpose of developing a *medical centre* is consistent with the Blue Mountains Community Plan. In particular, cl. 3.2 Healthy Vibrant Community notes Key Outcome as

The access of Blue Mountains residents to needed health services improves over the next five years.....

Key Action Areas for all Stakeholders – 2007 – 2012 notes

Provide health and community services that address priority needs of the Blue Mountains population including improved allied health services.

Advocate for and support initiatives that address medical practitioner workforce shortages.

Key Action Areas for Council 2007 – 2012

Advocate for the provision of needed health services.

Key Issues

Extensive waiting lists for specialist medical services and allied health services.

Lack of General Medical Practitioners servicing the Blue Mountains.

The proposed rezoning will facilitate the provision of improved health services in Winmalee. Should the expressed proposed *medical centre* fail to proceed at this location, the alternate and additional permissible land uses are not inconsistent with the Community Strategic Plan.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Note:

- ¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment to Draft LEP 2005
- ² **Consistent:** This provision or planning instrument applies; the Draft Amendment to Draft LEP 2005 meets the relevant requirements and is in accordance with the provision or planning instrument.
- ³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

State Environmental Planning Policies in force

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
SEPP 1	Development Standards	✓		
SEPP 4	Development without Consent and Miscellaneous Complying Development	✓		
SEPP 6	Number of Storeys in a Building	✓		
SEPP 14	Coastal Wetlands	✓		
SEPP 15	Rural Landsharing Communities	✓		
SEPP 19	Bushland in Urban Areas	✓		
SEPP 21	Caravan Parks	✓		
SEPP 22	Shops and Commercial Premises	✓		
SEPP 26	Littoral Rainforests	✓		
SEPP 29	Western Sydney Recreation Area	✓		
SEPP 30	Intensive Agriculture	✓		
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)		✓	
SEPP 33	Hazardous and Offensive Development	✓		
SEPP 36	Manufactured Home Estates	✓		
SEPP 39	Spit Island Bird Habitat	✓		
SEPP 41	Casino/Entertainment complex	✓		
SEPP 44	Koala Habitat Protection		✓	
SEPP 47	Moore Park Showground	✓		
SEPP 50	Canal Estate Development	✓		
SEPP 52	Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 53	Metropolitan Residential Development	✓		

<u>State Environmental Planning Policies in force</u>		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
SEPP 55	Remediation of Land		✓	
SEPP 59	Central Western Sydney Economic and Employment Area	✓		
SEPP 60	Exempt and Complying Development	✓		
SEPP 62	Sustainable Aquaculture	✓		
SEPP 64	Advertising and Signage	✓		
SEPP 65	Design quality of Residential Flat Development	✓		
D SEPP 66	Integration of Land Use and Transport	✓		
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP 71	Coastal Protection	✓		
SEPP	(Housing for Seniors or People with a Disability) 2004		✓	
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Development on Kurnell Peninsula) 2005	✓		
SEPP	(Major Development) 2005	✓		
SEPP	(Sydney Region Growth Centres) 2006	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP	(Temporary Structures) 2007	✓		
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	✓		
SEPP	(Infrastructure) 2007	✓		
SEPP	(Rural Lands) 2008	✓		
SEPP	(Exempt and Complying Development Codes) 2008	✓		
SEPP	(Western Sydney Parklands) 2009	✓		
D SEPP	(Application of Development Standards) 2004	✓		
SEPP	(Western Sydney Employment Area) 2009	✓		
SEPP	Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)		✓	
SEPP	Drinking Water Catchments Regional Environmental Plan No 1		✓	
SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009	✓		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

Note:

¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment to Draft LEP 2005

² **Consistent:** This provision or planning instrument applies; the Draft Amendment to Draft LEP 2005 meets the relevant requirements and is in accordance with the provision or planning instrument.

- ³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

Directions under Section 117(2)

	NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
1. EMPLOYMENT AND RESOURCES			
1.1 Business and Industrial Zones	✓		
1.2 Rural Zones	✓		
1.3 Mining, Petroleum Production and Extractive Industries	✓		
1.4 Oyster Aquaculture	✓		
1.5 Rural Lands	✓		
2. ENVIRONMENT AND HERITAGE			
2.1 Environmental Protection Zones		✓	
2.2 Coastal Protection	✓		
2.3 Heritage Conservation	✓		
2.4 Recreation Vehicle Areas	✓		
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
3.1 Residential Zones		✓	
3.2 Caravan Parks and Manufactured Home Estates	✓		
3.3 Home Occupations		✓	
3.4 Integrating Land Use and Transport		✓	
3.5 Development Near Licensed Aerodromes	✓		
4. HAZARD AND RISK			
4.1 Acid Sulfate Soils	✓		
4.2 Mine Subsidence and Unstable Land	✓		
4.3 Flood Prone Land	✓		
4.4 Planning for Bushfire Protection		✓	
5. REGIONAL PLANNING			
5.1 Implementation of Regional Strategies		✓	
5.2 Sydney Drinking Water Catchments		✓	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.8 Second Sydney Airport: Badgerys Creek	✓		
6. LOCAL PLAN MAKING			
6.1 Approval and Referral Requirements		✓	
6.2 Reserving Land for Public Purposes	✓		
6.3 Site Specific Provisions		✓	
7. METROPOLITAN PLANNING			
7.1 Implementation of the Metropolitan Strategy		✓	

Section C - Environmental, Social and Economic Impact

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land is currently zoned Living - General and is developed with dwellings. This land is located within a residential precinct and adjacent to existing retail and community facilities and primary school. The subject land is bounded to the south by Hawkesbury Road and to the west by White Cross Road.

Lot 3 DP 570463, No. 1A White Cross Road has a total area of 6,172m² and of this 77.52% (4,785m²) is zoned Environmental Protection – Private. This portion of lot 3 DP 570463 is not included in this proposal. The portion of Lot 3 DP 570463 zoned Environmental Protection – Private is not mapped as having any environmental constraint. The proposed precinct provisions and other provisions within the LEP will ensure there is no impact on this land from future development on the land the subject of this planning proposal.

- 9. Are there any other likely environmental effects a result of the planning proposal and how are they proposed to be managed?**

The subject land is mapped as Bush Fire prone and any future development will be subject to relevant provisions. There is no watercourse on the subject land and water catchment will not be impacted by the proposal as sewer is available to the site.

- 10. How has the planning proposal adequately addressed any social and economic effects?**

It is the expressed intention of the proponent to develop the site for a *medical centre*. The *medical centre* will provide general practice medical services for the local community. The *medical centre* will employ up to 8 general practitioners, 2 training registrars, nursing staff and support staff and cleaners. There will be a net increase in the number of people employed at this site following this development.

Developments permissible within land zoned Village – Housing and not currently permissible include:

- Community centres
- Home employment
- Medical centres
- Multi dwelling houses
- Places of assembly
- Refreshment rooms

There will not be any decrease in social or economic impact from any of the above land uses.

There are no known items or places of European or aboriginal cultural heritage in the subject land.

Section D - State and Commonwealth Interests

- 11. Is there adequate public infrastructure for the planning proposal?**

Water, sewer, electricity and telecommunication are available to the subject land and adequate to service a *medical centre* or other development permissible within the proposed zone.

- 12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

State and Commonwealth public authorities have not been consulted. This will be undertaken in accordance with the gateway determination and will be no less than notifying the following agencies:

- Roads & Traffic Authority; and
- Sydney Water.

PART 4 COMMUNITY CONSULTATION

Community consultation will occur in accordance with the gateway determination but will be no less than 28 days following notification in the local newspaper. A copy of the Planning Proposal will be made publicly available at the Katoomba and Springwood offices of the Blue Mountains City Council and at the Katoomba and Springwood Libraries. Adjoining land owners will be advised of the proposal and notification period by letter.